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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,971	03/23/2005	Andreas Wehrle	3245	1470

7590 06/09/2006  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

11A

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,971	<b>Applicant(s)</b> WEHRLE, ANDREAS	
	<b>Examiner</b> Nguyen N. Hanh	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0305</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Remarks*

1. In view of submissions of a copy of English Abstract for JP 2003-04543 and a certified translation of priority document, the Examiner withdraws the objection to IDS and the rejection under 35 USC 103 (a) with reference to Recep et al. However, the claims are not in a condition for allowance in view of new ground of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. (US 4,873,461) in view of Shiga et al.

Regarding claim 1, Brennan et al. disclose an electrical machine, in particular a direct current motor for vehicles, having a multi-pole stator which has an annular pole housing (24 in Fig. 3) and a plurality of magnets (65) that are located on the inside face of the pole housing, and having a magnet splinter guard (83 in Figs. 2 and 3), which shields the magnets inward in the radial direction toward the rotor, characterized in that the magnet splinter guard (83) is formed from a rectangular blank (the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight), and on each of the ends of the magnet splinter guard (83) located in the axial direction, a respective

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centering ring (90 and 91) is located, for centering the magnet splinter guard (83).

Brennan et al. fail to show an overlapping region (4), extending in the circumferential direction over the axial length of the magnet splinter guard (27)

However, Shiga et al. discloses an electrical machine including an overlapping region (6 in Figs. 6 and 7), extending in the circumferential direction over the axial length of the magnet splinter guard for the purpose of securely press-fitting permanent magnets to a cylindrical yoke (Col. 1, lines 45-58).

Since Brennan et al. and Shiga et al. are in the same field of endeavor, the purpose disclosed by Shiga et al. would have been recognized in the pertinent art of Brennan et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Brennan et al. by forming an overlapping region, extending in the circumferential direction over the axial length of the magnet splinter guard as taught by Shiga et al. for the purpose of securely press-fitting permanent magnets to a cylindrical yoke.

Regarding claim 2, Brennan et al. also disclose an electrical machine wherein the magnet splinter guard (83), in the installed state, automatically exerts a radially outward-oriented prestressing force on the magnets (Col. 4, lines 17-20).

Regarding claim 3, Brennan et al. also disclose an electrical machine wherein the centering rings (90 and 91) each have a tapering region (94 in Fig. 6).

Regarding claim 4, Brennan et al. also disclose an electrical machine wherein the centering rings (91 and 92) enclose the magnets between the pole housing and the magnet splinter guard (Fig. 2).

Regarding claim 5, Shiga et al. disclose an electrical machine wherein the magnets (3 in Fig. 6) have a pole lift, and the overlapping region (6) of the magnet splinter guard (4) is located on the pole lift.

Regarding claim 7, Shiga et al. disclose an electrical machine wherein the axial ends (4C in Fig. 7) of the magnet splinter guard (4) are slightly bent radially outward.

Regarding claim 8, Shiga et al. disclose an electrical machine wherein the magnet splinter guard (4) at the overlapping region (6) has a graduated region, so that the magnet splinter guard (4) in the installed state has a constant inside diameter (Fig. 6).

Regarding claim 9, Shiga et al. disclose an electrical machine wherein the magnet splinter guard (4 in Fig. 6) is joined to the overlapping region (6) in captive fashion.

Regarding claim 10, Brennan et al. also disclose an electrical machine wherein the tapering region (291) of the centering rings (29) is embodied as an outward-bulging region.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. in view of Shiga et al. and further in view of Sickel et al.

Regarding claim 6, Brennan et al. and Shiga et al. show all limitations of the claimed invention except for showing a clamping strip, which is located on the outer

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circumference of the magnet splinter guard and in the installed state is located between two magnets.

However, Sickle et al. discloses an electrical machine including a clamping strip (16B and 16C in Fig. 3), which is located on the outer circumference of the magnet splinter guard (24B) and in the installed state is located between two magnets (24) for the purpose of preventing corrosion of the permanent magnets (Col. 1, lines 35-40).

Since Brennan et al., Shiga et al. and Sickle et al. are in the same field of endeavor, the purpose disclosed by Sickle et al. would have been recognized in the pertinent art of Brennan et al. and Shiga et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Brennan et al. and Shiga et al. by forming a clamping strip, which is located on the outer circumference of the magnet splinter guard and in the installed state is located between two magnets as taught by Sickle et al. for the purpose of preventing corrosion of the permanent magnets.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (571)


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273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

May 22, 2005

  
DARREN SCHUBERG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800